

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v. CRIMINAL NO. 04-54 ERIE

LYNDA LORRAINE WOODS

CHANGE OF PLEA

Proceedings held before the HONORABLE
SEAN J. McLAUGHLIN, U.S. District Judge,
in Courtroom C, U.S. Courthouse, Erie,
Pennsylvania, on Monday, August 8, 2005.

APPEARANCES:

CHRISTIAN A. TRABOLD, Assistant United States
Attorney, appearing on behalf of the Government.

THOMAS W. PATTON, Assistant Federal Public

Ronald J. Bench, RMR - Official Court Reporter

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1 P R O C E E D I N G S

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3 (Whereupon, the proceedings began at 9:00 a.m.,

4 Monday, August 8, 2005, in Courtroom C.)

5

6 THE COURT: Ms. Woods, I'm informed that you wish to

7 change the plea that you have previously entered at Count 1 of

8 the superseding indictment at Criminal No. 04-54 to a plea of

9 guilty, is that correct?

10 THE DEFENDANT: Yes.

11 THE COURT: I'm going to ask you to keep your voice

12 up and speak into the microphone. Before accepting your guilty

13 plea, there are a number of questions that I'm going to ask you

14 to make certain that it is a valid plea. If you do not

15 understand any question, please tell me, and I will explain it

16 to you. If you wish to consult with Mr. Patton, please tell me

17 that, I'll give you the opportunity to consult. I give you

18 these instructions because it is essential to a valid plea that

19 you understand every question before you answer it.

20 Would you please raise your right hand.

21 (Whereupon, the Defendant, LYNDA LORRAINE WOODS, was

22 sworn.)

23 THE COURT: Do you understand that now that you have

24 been sworn, your answers to my questions are subject to the

25 penalties of perjury or of making a false statement, if you do

1 not answer truthfully?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Would you tell me your full

4 name?

5 THE DEFENDANT: Lynda Lorraine Woods.

6 THE COURT: How old are you?

7 THE DEFENDANT: Forty-one.

8 THE COURT: How far did you go in school?

9 THE DEFENDANT: I graduated.

10 THE COURT: From high school?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Are you able to communicate

13 in English?

14 THE DEFENDANT: Pardon.

15 THE COURT: Can you communicate in English?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you been able to do so, Mr. Patton?

18 MR. PATTON: Yes, your Honor.

19 THE COURT: All right. Have you taken any drugs or

20 medication or have you drunk any alcoholic beverages in the

21 past 24 hours?

22 THE DEFENDANT: No, sir.

23 THE COURT: Are you now or have you recently been

24 under the care of a physician or psychiatrist?

25 THE DEFENDANT: No, sir.

1 THE COURT: Are you now or have you recently been

2 hospitalized or treated for any type of narcotic addiction?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you understand what's happening here
5 today?

6 THE DEFENDANT: Yes.

7 THE COURT: Does either counsel have any doubt about
8 the competence of Ms. Woods to plead guilty at this time to the
9 charge contained in the indictment; Mr. Trabold?

10 MR. TRABOLD: No, your Honor.

11 THE COURT: Mr. Patton?

12 MR. PATTON: No, sir.

13 THE COURT: I find the defendant is competent to
14 plead. Do you have an attorney with you here today?

15 THE DEFENDANT: Yes.

16 THE COURT: What's his name?

17 THE DEFENDANT: Thomas Patton.

18 THE COURT: Have you had a sufficient opportunity to
19 discuss your case with him?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you happy with the work that he's
22 done for you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that if you continue

25 to plead not guilty and do not change your plea, you would have

1 the right to be assisted by an attorney at the trial of the

2 charge against you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And do you understand that if you did

5 not enter a guilty plea and that if you qualified financially,

6 you would be entitled to be assisted by an attorney at no cost

7 to you at every phase of the processing of these charges?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you understand that if you did

10 not plead guilty and that if there were a trial, under the

11 Constitution and the laws of the United States, you would be

12 entitled to a speedy trial by a judge and jury on the charge

13 contained in the indictment?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if there were a

16 trial, you would be presumed to be innocent at the trial of the

17 charge against you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that if there were a
20 trial, the government would be required to prove your guilt by
21 competent evidence and beyond a reasonable doubt before you
22 could be found to be guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that if there were a
25 trial, you would not have to prove that you were innocent?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that if there were a
3 trial, the jury would have to be unanimous in order to find you
4 guilty of the charge?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that if there were a
7 trial, you would have the right to participate in the selection
8 of the jury; that you would have the right to strike or
9 eliminate any prospective juror if it was demonstrated that the
10 juror would be unable to render a fair and impartial verdict;
11 and that you would have the right to strike or eliminate ten

12 jurors from the jury, and one alternate, without giving any

13 reason at all for so doing?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if there were a

16 trial, the witnesses for the government would have to come to

17 court and would have to testify in your presence?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that if there were a

20 trial, your counsel could cross-examine the witnesses for the

21 government, object to evidence offered by the government and

22 then offer evidence on your behalf?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that if there were a

25 trial, the government would have to pay witness fees to

1 witnesses you wished to call if you qualified as being

2 financially unable to pay those fees?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that if there were a

5 trial, you would have the right to testify if you chose to?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that if there were a

8 trial, you would have the right not to testify and that no

9 inference or suggestion of guilt could be drawn from the fact

10 that you did not testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: If you plead guilty and I accept your

13 plea, do you understand that you will waive your right to a

14 trial and the other rights which I have mentioned to you, that

15 there will be no trial and that I will enter a judgment of

16 guilt and sentence you on the basis of your guilty plea after

17 considering a presentence report?

18 THE DEFENDANT: Yes.

19 THE COURT: If you plead guilty, do you understand

20 that you will also have to waive your right not to incriminate

21 yourself, because I'm going to ask you questions about what you

22 did in order to satisfy myself that you are guilty as charged

23 and you will have to acknowledge your guilt?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now that I mentioned your rights to you,

1 do you still wish to plead guilty?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you received a copy of the

4 superseding indictment naming you, and have you discussed with

5 your counsel the charge in the indictment to which you intend

6 to plead guilty today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that you are charged

9 in Count 1 of the superseding indictment as follows: "From in

10 and around August, 2004 to in and around October, 2004, in the

11 Western District of Pennsylvania, the defendant, Lynda Lorraine

12 Jones, did knowingly, intentionally and unlawfully manufacture

13 a mixture and substance containing a detectable amount of

14 methamphetamine, a Schedule II controlled substance.

15 In violation of Title 21, United States Code,

16 Sections 841(a)(1) and 841(b)(1)(C)."

17 Do you understand the charge?

18 THE DEFENDANT: Yes, sir.

19 MR. PATTON: Your Honor, it does charge, the

20 indictment charges Lynda Lorraine Woods, I believe you misspoke

21 when you said Lynda Lorraine Jones.

22 THE COURT: I'm sorry. Correct that to say, let the

23 record reflect Woods. As to Count 1, in order for the crime of

24 manufacturing a mixture and substance containing a detectable

25 amount of methamphetamine in violation of 21 U.S.C. 841(a)(1)

1 and 841(b)(1)(C) to be established, the government must prove

2 all of the following essential elements beyond a reasonable

3 doubt:

4 One. That the defendant knowingly and intentionally

5 manufactured a mixture and substance containing a detectable

6 amount of methamphetamine.

7 That methamphetamine is a Schedule II controlled

8 substance, pursuant to 21 U.S.C. Section 812 Schedule II(c), et

9 seq.

10 Do you understand the elements of the crime?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, as to Count 1, do you understand

13 that the maximum penalties are as follows:

14 A term of imprisonment of not more than 20 years.

15 A fine not to exceed \$1 million.

16 A term of supervised release of at least three

17 years.

18 For a second or subsequent felony drug conviction

19 that is final, whether federal, state or foreign:

20 A term of imprisonment of not more than 30 years.

21 A fine not to exceed \$2 million.

22 A term of supervised release of at least six years.

23 As well as a mandatory special assessment of \$100.

24 Do you understand the maximum penalty for a

25 violation of Count 1?

10

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has anyone made any threat to you or to

3 anyone else that has forced you in any way to plead guilty

4 today?

5 THE DEFENDANT: No, sir.

6 THE COURT: Has there been a plea agreement?

7 MR. TRABOLD: Yes, your Honor, I've marked it as

8 Government Exhibit No. 1, it has been signed by Ms. Woods and

9 by counsel. It indicates in its most important provisions that

10 Ms. Woods agrees to plead guilty to Count 1 and accept
11 responsibilities for the conduct charged in Counts 2 through 7.

12 Additionally, Ms. Woods waives her right to file a
13 direct appeal in this case and to file a collateral attack or a
14 habeas petition. However, she has retained the right to file a
15 limited appeal in this case, one of those being the right to
16 appeal your decision not to suppress the evidence relative to
17 the October search in this case.

18 THE COURT: Which was the subject matter of the
19 previous suppression motion?

20 MR. TRABOLD: Correct. She also retains the right
21 to appeal any enhancement in her sentence that might relate to
22 either the use of minors to commit the crime or any harm that
23 may have been caused to any minors in this case. Obviously,
24 neither side knows whether those are really even going to be
25 applicable in this case, but she retained the right to appeal

1 that should you enhance the sentence based on that.

2 THE COURT: All right.

3 MR. TRABOLD: In exchange the government agrees to

4 move for the dismissal of the remaining counts of the
5 indictment after her sentencing. And agrees to file a
6 three-level reduction or recommend a three-level reduction in
7 offense level for her acceptance of responsibility.

8 Finally, your Honor, the plea agreement contains a
9 stipulation between the parties that the amount pseudoephredine
10 attributable to Ms. Woods' conduct in this case is at least 40
11 grams, but less than 70 grams.

12 I would ask that Government Exhibit 1 be admitted.

13 THE COURT: It's admitted. Is there anything that
14 you want to add, Mr. Patton?

15 MR. PATTON: Yes, your Honor. On the conditional
16 nature of the plea, it is conditional on Ms. Woods' right to
17 appeal your decision on the October search. I want to make it
18 clear that her decision to plead guilty to the charges based on
19 the August search, is driven by your decision not to suppress
20 the October search. In other words, if you had suppressed the
21 October search, we wouldn't be pleading guilty to any of this
22 stuff for August, we feel that that was perhaps a triable case.

23 But in tandem with the August search and the October search, we
24 are entering into the plea. And the plea agreement does state

25 that if she is successful in appealing your suppression order

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1 on the October search, she's allowed to withdraw the plea in

2 toto and go back as well.

3 THE COURT: All right. And you agree with that?

4 MR. TRABOLD: Yes.

5 THE COURT: Has your client signed the plea

6 agreement?

7 MR. PATTON: Yes, sir.

8 THE COURT: You have had an opportunity, I presume,

9 to read and review the plea agreement and discuss it with Mr.

10 Patton, is that right?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Having discussed it with Mr. Patton, did

13 you understand it?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you agree with everything that's in

16 it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And do you understand that by virtue of

19 signing it, you are attesting by your signature that you agree

20 with everything that's in it?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Has anybody made any

23 promise, other than the plea agreement, that has induced you to

24 plead guilty today?

25 THE DEFENDANT: No, sir.

13

1 THE COURT: Do you understand that I'm not required

2 to accept the plea agreement that you've entered into and might

3 reject it. If the court rejects the plea agreement, you will

4 be advised in open court, and you will have the opportunity to

5 withdraw your guilty plea. If the plea agreement is rejected,

6 you may nevertheless continue your plea of guilty and if you

7 persist in your guilty plea after the plea agreement is

8 rejected, your sentence, or the disposition of your case, may

9 be less favorable to you than that proposed in the plea

10 agreement. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that the offense to

13 which you are pleading guilty today is a felony offense, that
14 if your plea is accepted, you will be adjudged guilty of that
15 offense and that such adjudication may deprive you of valuable
16 civil rights, such as the right to vote, hold public office,
17 serve on a jury, or to possess any type of firearm; do you
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Under the Sentencing Reform Act of 1984,
21 the United States Sentencing Commission has issued guidelines
22 for judges to follow in determining sentences in criminal cases
23 for offenses occurring after November 1st of 1987. Have you
24 and your attorney talked about how the Sentencing Guidelines
25 might apply to your case and the fact that the suggested

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1 guideline ranges are now advisory by virtue of two relatively
2 recent Supreme Court decisions?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that I will not be
5 able to determine the guideline sentence for your case until
6 after the presentence report has been completed and you and the

7 government have had the opportunity to challenge the facts that
8 are reported by the probation officer?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that after it has been
11 determined what guideline sentence applies to a case, the judge
12 does have the authority, in some circumstances, to impose a
13 sentence that is more severe or less severe than the sentence
14 called for by the guidelines?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that under certain
17 circumstances you or the government may have the right to
18 appeal any sentence which the court imposes?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And, of course, your right to appeal in
21 this case has been circumscribed by the terms and conditions of
22 your previously described plea agreement; do you understand
23 that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you understand that parole has

1 been abolished and that if you are sentenced to a term of
2 imprisonment, you will not be released on parole?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that if the sentence
5 is more severe than you expected it to be, you will still be
6 bound by your guilty plea and you will have no right to
7 withdraw it?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Except for your discussions with Mr.
10 Patton about the Sentencing Guidelines, has anybody made any
11 prediction or promise to you about what your sentence in this
12 case will be?

13 THE DEFENDANT: No, sir.

14 THE COURT: Has anything that I have said here today
15 suggested to you what your actual sentence is going to be?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have you been instructed by your
18 counsel, by government counsel or by anybody else to respond
19 untruthfully to any question about a promised sentence?

20 THE DEFENDANT: No, sir.

21 THE COURT: Ms. Woods, did you, as charged in the

22 superseding indictment in Count 1 and as previously read to you

23 by me commit the offense as charged?

24 THE DEFENDANT: Yes.

25 THE COURT: All right, Mr. Trabold, what would be

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1 the government's proof?

2 MR. TRABOLD: Your Honor, the government's proof in

3 this case would be that in mid August of 2004, drug agents had

4 a discussion at the Erie County jail with Ms. Woods' husband,

5 Michael Woods. During that discussion, Mr. Woods indicated he

6 still had meth making material on his property, and offered to

7 allow the agents to go to his house and pick up the materials,

8 essentially a boxed up type lab.

9 Upon doing so, they went on to the Woods' property,

10 Ms. Woods signed a consent search form that allowed them on the

11 property, she provided them the materials that they had spoken

12 to her husband about. And while the agents were on her

13 property, they noticed that almost all, if not all of the

14 animals on her property were in a deplorable condition while

15 the agents were there.

16 Based upon their observations of the animals, a day

17 or two later the agents obtained a search warrant to remove the

18 animals that were on her property. During the course of

19 executing that search warrant, the officers noticed a strong

20 chemical smoke billowing from a room in the lower portion of

21 Ms. Woods' barn. They then entered that room because they

22 feared that something, a chemical reaction was occurring and

23 that people may be in danger. All those items in that back

24 room were removed and they were indicative of a methamphetamine

25 production lab, including the acetone that was present and, in

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1 fact, there would be expert opinion from the PSP chemist in

2 this case that Ms. Woods was engaged in the active cook of

3 methamphetamine while the agents were there.

4 Subsequent to that, your Honor, in October of 2004,

5 a search warrant was executed at Ms. Woods' house. Which

6 resulted in the discovery of a working methamphetamine lab

7 upstairs in her residence. Expert testimony would indicate

8 that Ms. Woods had a methamphetamine lab and that there were

9 between 40 to 70 grams of pseudoephedrine involved in this lab.

10 As well as the fact that Titusville police and BNI agents

11 seized a whole slew of other chemicals that are necessary in

12 the production of methamphetamine. And, in fact, there really

13 was no chemical necessary in the production of methamphetamine

14 that Ms. Woods did not have in her upstairs portion of her

15 home. That would be the nature of the government's case.

16 THE COURT: All right. Ms. Woods, you just heard

17 what Mr. Trabold said by way of a summary, do you agree with

18 everything he said?

19 MR. PATTON: Your Honor, as far as the state of the

20 animals were concerned, Ms. Woods disagrees with that

21 characterization. That being said --

22 THE COURT: Aside from that, do you agree with

23 everything else that Mr. Trabold said -- aside from his

24 description as to the condition of the animals?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Do you still wish to plead

2 guilty?

3 THE DEFENDANT: Yes.

4 THE COURT: Is it your advice that she do so, Mr.

5 Patton?

6 MR. PATTON: Yes, sir.

7 THE COURT: Because you acknowledge that you are in

8 fact guilty as charged at Count 1, because you know about your

9 right to a trial, because you know what the maximum possible

10 penalty is, and because you are voluntarily pleading guilty, I

11 will accept your guilty plea and enter a judgment of guilty on

12 your plea to Count 1 of the superseding indictment.

13 Therefore, it is the finding of the court in the

14 case of United States versus Lynda Lorraine Woods that this

15 defendant is fully competent and capable of entering an

16 informed plea, and that her plea of guilty is a knowing and

17 voluntary plea supported by an independent basis in fact

18 containing each of the essential elements thereof and,

19 therefore, the plea is accepted and the defendant is now

20 adjudged guilty of the charge. Would you please sign the

21 change of plea.

22 (Whereupon, the Change of Plea is executed by the

23 Defendant and Defense Counsel.)

24 THE COURT: Ms. Woods, a presentence report is going

25 to be prepared by the United States Probation Officer. And it

1 is in your best interests to cooperate with him in furnishing
2 information for the report. Because ultimately that report
3 will be important in my decision about what your sentence in
4 this case is going to be. You and your counsel will have the
5 right to examine the presentence report before sentencing.

6 Sentencing in this case is set for November 7, 2005,
7 at 11 a.m. Anything further, Mr. Patton?

8 MR. PATTON: No, sir.

9 THE COURT: Mr. Trabold, anything further?

10 MR. TRABOLD: No, your Honor.

11 THE COURT: All right, we're in recess.

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13 (Whereupon, at 9:20 a.m., the Change of Plea
14 proceedings were concluded.)

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1 C E R T I F I C A T E

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5 I, Ronald J. Bench, certify that the foregoing is a

6 correct transcript from the record of proceedings in the

7 above-entitled matter.

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11 _____

12 Ronald J. Bench

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